

Memo Endorsement on page 2

Case: 1:21 - cv - 10771 JGK BCM Filed 1 / 3 / 2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Wesley Alexander Hooks

Write the full name of each plaintiff or petitioner.

Case No. 21 CV 10771

-against-

The City of New York, ET AL,

NOTICE OF MOTION

RULE 41.

Write the full name of each defendant or respondent.

"DISMISSAL OF ACTION"

PLEASE TAKE NOTICE that I, Plaintiff, Wesley Alexander Hooks
plaintiff or defendant name of party who is making the motion
requests that the Court: Plaintiff, Submitting Rule 41. Dismissal Of
Action., (a) Voluntary Dimissal. (1) By Plaintiff., (A) Without
a Court Order. Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any
applicable federal Statute,...

Briefly describe what you want the court to do. You should also include the Federal Rule(s) of Civil Procedure or the statute under which you are making the motion, if you know.

In support of this motion, I submit the following documents (check all that apply):

- ☒ a memorandum of law
- ☒ my own declaration, affirmation, or affidavit
- ☒ the following additional documents:

1/13/2023

Dated

Wesley Alexander Hooks

Name

15-17 Gifford Avenue

Address

Jersey City NJ 07304

City

State

Zip Code

917-600-0105/212-470-1187

Telephone Number (if available)

XXXXXXXXXXXXXXXXXXXX

Prisoner Identification # (if incarcerated)

XXXXXXXXXXXXXXXXXXXX

XXXXXX Address XXXX XXXX XXXX XXXX

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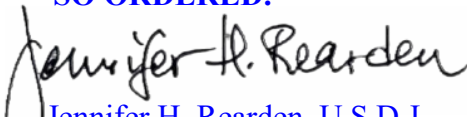
SO ORDERED. See *Farkash v. Five Star Travel Inc.*, No. 18 Civ. 03699 (ALC), 2019 WL 4600956, at *2 (S.D.N.Y. Sept. 23, 2019) ("Ordinarily, when a plaintiff files [] a notice [of voluntary dismissal] the case is immediately closed. . . . Generally, plaintiffs will be bound by the filing of such submissions, regardless of whether the submissions were filed *pro se*."), *aff'd*, 841 F. App'x 278 (2d Cir. 2021); see, e.g., *Graham Kandiah, LLC v. J.P. Morgan Chase Bank, N.A.*, No. 08 Civ. 6956 (JGK), 2009 WL 1704570, at *3-4 (S.D.N.Y. Jun. 18, 2009) (denying *pro se* plaintiff's request for relief from a judgment resulting from a Rule 41(a) notice of voluntary dismissal, as "a *pro se* party may not be excused for failing to consult a Federal Rule of Civil Procedure that clearly states the consequences of taking or failing to take a particular action" (citing *Edwards v. Immigr. and Naturalization Serv.*, 59 F.3d 5, 8 (2d Cir. 1995) ("[P]*ro se* litigants generally are required to inform themselves regarding procedural rules and to comply with them."))); *Dicks v. Chow*, 114 F. App'x 44, 45 (2d Cir. 2004) (rejecting plaintiff's request that the court "reverse the [dismissal of the action stemming from plaintiff's Rule 41(a) notice] and allow the proceedings" to move forward (alterations omitted)).

The Clerk of Court is directed to terminate Defendants The City of New York, Police Officer Tara A. Convery, Ralph Garcia, Kenmore & Associates LP, Adam Neal, Jamie Niskanen-Singer, and The Legal Aid Society from this action.

In light of Defendant Adam Neal's termination from this action, his motion to dismiss (ECF No. 94) is DENIED as moot. The Clerk of Court is directed to terminate ECF No. 94.

The Clerk of Court is further directed to mail a copy of this Order to *pro se* Plaintiff Wesley Hooks and to *pro se* Defendant Adam Neal.

SO ORDERED.


Jennifer H. Rearden, U.S.D.J.
Date: July 18, 2023